

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE  
 COUNTY OF PENDER SUPERIOR COURT DIVISION  
 23 CVS

2023 DEC 15 A 9:46

Traci Rivenbark,

PENDER CO., C.C.C.

Plaintiff, BY

v.

Gordon Mann,

Defendants.

**COMPLAINT**

1. The Plaintiff, Traci Rivenbark, sues under state law and maritime law brought by the Savings to Suitors Act.
2. The Plaintiff, Traci Rivenbark, is a resident of Greensboro, North Carolina.
3. The accident occurred in Pender County, North Carolina.
5. The Defendant was operating a large yacht through the intercoastal waterway on Sunday, September 4<sup>th</sup>, 2022.
6. At all relevant times the Plaintiff was in a small vessel moving at a safe rate of speed north bound intercoastal waterway.
8. The Defendant was driving at a rate of speed that was unsafe for the conditions of the seas and waterway. As a result of driving the vessel at a higher than safe rate of speed the vessel threw a very large wake causing damage to docks and vessels on the intercoastal waterway. The Defendant was warned by boaters to slow down but continued at an unsafe rate of speed through the intercoastal waterway.
9. The Defendant's wake caused Plaintiff fall to the deck of her vessel causing serious injuries, including a fractured back.

EXHIBIT

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10. Plaintiff had surgery as a result of the accident and continues to have limitations as a result of the accident.

**FIRST CAUSE OF ACTION**

*Negligence*

11. The Defendant was negligent in

- a. failing to operate the vessel at a safe speed;
- b. failing to keep the vessel under proper control;
- c. failing to keep a proper lookout;
- d. operating the vessel without exercising reasonable care under the circumstances;
- e. operating the vessel in a reckless and negligent manner so as to endanger the life, limb or property in violation of N.C.G.S. Sec. 75a-10;
- f. failing to warn or signal vessels;
- g. violating the rules of the road by operating an unsafe speed and failing to provide proper signaling and warning to other vessels.

12. As a direct proximate result of the negligence of the Defendant the Plaintiff sustained serious personal injuries including injuries to her back and spine.

13. As a direct and proximate result of the negligence of the Defendant the Plaintiff has incurred medical expenses and will continue to incur medical expenses in the future and has had damages, pain and suffering, mental anguish and inconvenience.

WHEREFORE, Plaintiff prays:

1. Judgment be entered against the Defendant;
2. Trial by jury;
3. An award of monetary damages;
4. Such other relief as this Court deems proper.

Respectfully submitted this the 13<sup>th</sup> day of December, 2023.

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